

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-19, 64-66, 73-89, 94-105, 110, 112-114, 116-122, 124-126, 128-135 and 139-145 are presently active in this application. Claims 5, 14, 64, 66, 95, 102, 105, 116, and 142-145 have been presently amended.

In the outstanding Office Action, Claims 5, 14, 95, 102, 105, and 116 were objected; Claims 142-145 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter; and Claims 64-66, 82-84, 94-104 and 144 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hamatani et al (U.S. Patent No. 6,961,115). Claims 1-4, 6-13, 15-19, 73-81, 85-89, 110, 112-114, 117-122, 124-126, 128-135 and 139-141 were indicated as being allowed, and Claims 5, 14, 105 and 116 were indicated as being allowable if rewritten to overcome the objections.

Firstly, Applicant acknowledges with appreciation the indication of allowable subject matter in the above-identified claims.

Secondly, regarding the objections to Claims 5, 14, 95, 102, 105, and 116, the present amendments to the claims follow closely the suggestions made in the Office Action and are believed to overcome the claim objections.

Thirdly, regarding the 35 U.S.C. § 101 rejection to Claims 142-145, Claims 142-145 have been presently amended to define a computer readable medium encoded with the recited program. M.P.E.P. § 2106 IV.(B)(1)(a) states that a claimed computer readable medium encoded with a computer program is a computer element that defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. Thus, Applicant submits that Claims 142-145 presently define statutory matter.

Finally, regarding the rejection on the merits, Applicant respectfully points out, as indicated on the updated Filing Receipt of December 16, 2003, that the present application is a continuation application of PCT application PCT/JP01/11588. The PCT filing date of December 27, 2001 predates the U.S. filing date of February 12, 2002 of Hamatani et al.

35 U.S.C. § 365 indicates that, if any claim for benefit of an earlier filing date based on a prior international application which designated but did not originate in the United States, the director may require the filing in the Patent and Trademark Office of a certified copy of the application together with a translation thereof into the English language, if it was filed in another language. In the present application, full benefit of the filing date of the international application was claimed pursuant to provisions of 35 U.S.C. § 120 in the filed application. (See the Request for Priority filed on June 30, 2003.) Attached herewith is a certified copy of the international application together with a certified English translation thereof. Thus, with the requirements of 35 U.S.C. § 365(c) having been met and with the requirements of M.P.E.P. § 201.15 for overcoming a reference having been met, Hamatani et al should be removed as prior art to the present application and the 35 U.S.C. § 102(e) rejection be withdrawn.

Accordingly, the present claims have no outstanding rejections and are believed to be in a condition for allowance.

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Consequently, in view of the present amendment, and in view of the indication of allowable subject matter, it is respectfully submitted that this application is in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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